

**City of New Castle Delaware
Regular Council Meeting at Town Hall
201 Delaware Street, New Castle
Tuesday, May 13, 2014, 7 p.m.**

Call to order: 7 pm

Roll Call:

Councilperson Megginson
Councilperson Cochran
Council President Ratchford
Councilperson Vannucci

Councilperson Petty – not present

Also present:

Donald Reese, Mayor
Janet Carlin, City Treasurer
Daniel Losco, City Solicitor
Jeff Bergstrom, Building Official & Fire Marshall
Chief Tjaden, Department of Public Safety
William Barthel, City Administrator

Approval of Minutes by Date: April 8th

Councilperson Cochran motioned and Councilperson Vannucci seconded approval of the minutes without changes. The motion passed unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported on the balances of the city's accounts as of April 30, 2014. The total cash on hand in all accounts is \$2,172,460.96.

Councilperson Cochran motioned to accept the report and Councilperson Megginson seconded. The council unanimously accepted the report.

Approval of Staff Reports

Chief Tjaden reported that the First Drug Take Back Program was very successful. A search warrant was executed in Shawtown resulting in the confiscation of 450 bags of heroin destined for New Castle and two cars.

Council accepted the staff reports as presented.

Grant Review

Councilperson Cochran reviewed the grant receipts for April 2014.

Communications

Councilperson Megginson provided an update on the reconstruction of the dikes.
Army Creek: The blacktop is finished. It was walked today for punch list creation. The connection to Gambacorta Dike is complete.

Buttonwood: A delay has been caused by the discovery of contaminants and the wait for coverage materials.

Broad Marsh: There is 200 – 300 feet more to finish. Vegetation needs to be completed on the marsh side. The roadway and berm from the ferry parking lot is about 50% complete. The contractor just started adding the rip-rap along 2nd street. Only one bird house had to be moved. Expected completion is mid to late June.

Business from the Floor

None

Business from the Mayor

Mayor Reese was on TV on Sunday to promote Separation Day.

The Mayor received a letter from Arasapha to thank the public works employees for their assistance to prepare for and during the May Market sale.

Russ Smith from the National Monument will talk about the new “Ask Me” program to provide volunteers to assist visitors.

Separation Day will be two days this year. New Friday night activities have been added to the traditional Saturday day-long events. It is now a celebration for all of the citizens of Delaware because it is the State’s birthday. Judge Quillen will be the Grand Marshall. The next meeting is at 6 pm on Thursday. There is always room for more volunteers.

The Mayor asked for support of an ordinance regarding adding Feral Cats to the definition of wildlife used in the existing code. This change is needed to provide support to neighbors.

Business from the Council President

President Ratchford announced that the City will be co-sponsoring the 2014 River Towns Festival and Ride.

President Ratchford encouraged participation in the visioning being done for Penn Farm. Everyone can submit ideas at the library.

Councilperson Megginson and President Ratchford met with DelDOT regarding the railroad crossings. Gates will be installed at three locations.

A workshop will be held on May 27th at 6 pm regarding the coastal management study of Battery Park.

Motion, Discussion and Vote on Resolution No. 2014-27 recognizing Mimi & Earl Carpenter for their contribution to the City of New Castle upon their retirement.

The Motion to approve Resolution No. 2014-27 was made by Councilperson Megginson and seconded by Councilperson Cochran.

President Ratchford read the resolution.

Resolution No. 2014-27 passed unanimously.

Mimi thanked their loyal readers and advertisers and wished the new owners their best.

Old Business

Motion, Discussion and Vote on Resolution No. 2014-28 to consider recommendations from the Planning Commission concerning public parking proposals.

The Motion to approve Resolution No. 2014-28 was made by Councilperson Cochran and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Councilperson Cochran expressed support to include the parking behind the bank in the resolution and consider all of the recommendations of the committee.

President Ratchford reminded Council that the Planning Commission recommended two parking lots for consideration.

Councilperson Vannucci has served on previous parking committees and none has accomplished as much as the current committee. He believes that the committee's hard work needs to be acknowledged with consideration of all of the proposals.

President Ratchford asked for a motion to consider all of the Planning Commission Sub-committee on Parking recommendations.

Councilperson Cochran motioned to change the resolution as stated by President Ratchford and Councilperson Vannucci seconded.

Resolution No. 2014-28 as amended passed unanimously.

President Ratchford thanked the committee for their work. She recognized the need to address drainage issues, study impervious materials and consider landscaping for additional parking off of W 3rd Street behind the bank.

New Business

Motion, Discussion and Vote on Resolution No. 2014-29 to consider recommendations from the Planning Commission Parking Sub-Committee regarding Separation Day.

The Motion to approve Resolution No. 2014-29 was made by Councilperson Cochran and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Parking Sub-committee Chair Viola presented the concept of temporary entry permits for residents on Separation Day. The idea has been reviewed and accepted by the Separation Day committee. This is a demonstration project to evaluate a permit system as part of trying to find an effective parking system. The committee talked to the Police and Fire Chiefs to get their support for the program. Residents will need to get a permit from the

city office. The temporary permit program will be promoted in The Weekly, Cobblestones and the City web site. The police volunteers will deliver flyers to the residents in the impacted area.

Resolution No. 2014-29 passed unanimously.

Presentation by Delaware Division of Fish and Wildlife for Council to consider a fishing pier south of Dobbinsville.

Larry Horan who is responsible for construction of boat ramps and fishing piers made the presentation for the Delaware Division of Fish & Wildlife.

What is fishing? Solitude, family-time, determination, excitement, achievement, bonding event, and memories. The division is trying to bring additional people into fishing. Fishing is fun.

Mr. Horan reviewed the business products and services of Division of Fish & Wildlife.

The current estimated cost of the proposed pier is \$1.3M to \$1.5M. It usually takes about a year and a half to two years to actually complete the project. The funding sources are Delaware Fish & Wildlife licenses (25%) and federal non-tax sources (75%). No local funding is needed.

The project would be completed in four phases:

Phase I – Design process which is currently underway. The division has approved the fishing pier.

Phase II – Obtaining federal and state enforcement organization permits.

Phase III – Bidding process.

Phase IV – Construction of the pier.

The project will include a 12 to 20 foot wide approach walkway to a T-shaped pier. The facility will be accessible including the pier and parking. Materials will include concrete pilings and an aluminum structure. Maintenance is provided by the State.

The City would provide the property and a minimum 25-year lease.

Councilperson Cochran inquired about the time frame. Mr. Horan responded that it will take about 2 years. The next steps are to get the City Engineer on board and then go to US Fish & Wildlife to get grant funding. City will be kept in loop through concept and design process.

President Ratchford inquired about restrooms and boat use of the pier. Mr. Horan said boats would not be permitted. The pier would be strictly fishing access. There is a program from the State to fund boat piers. The State would maintain the restrooms.

Victor Bryson of Dobbinsville asked to have the topic tabled. He believes the State build a pier in Delaware City on the canal and then gave it to a private company. He is concerned with kids diving from the pier. He doesn't believe New Castle needs a fishing pier. Historically, fishing in New Castle is done from the beach.

President Ratchford inquired about the possibility of the pier being sold. Mr. Horan said the pier cannot be transferred or assigned to another entity. The boat marina at DE City was built by the State and is still owned by the State but is managed by a private entity.

Mayor Reese suggested using the city building in Dobbinsville to teach kids to tie knots and about the fish in the river during the winter and then take them fishing in the summer.

Motion, Discussion and Vote on Resolution No. 2014-30 to authorize the City Administrator to sign the Inter-jurisdictional Agreement (IJA) between the Principal Permittees and Co-permittees governing coordination and cooperative activities by all Permittees as outlined in the Stormwater Pollution Prevention and Management Plan (SWPP & MP) regarding NPDES Permit Number DE 0051071 / State Permit Number WPCC 3063A / 96.

The City Engineer, Dave Athey gave a presentation on the IJA. The biggest cause of water pollution is storm water not sewer water which is why it is getting attention.

Every municipality is required to have a permit by the EPA. Numerous programs and permits are required. He has noted that the City is already working to improve storm water and is being proactive.

Overall coordination is done by DelDOT and the County. They hold an annual meeting for comprehensive review. DelDOT and the County are ramping up their programs and making them available to the municipalities. The City may have to contribute to monitoring programs.

The County is broken into multiple water sheds. Each must have its own plan. They have met with Jeff Bergstrom several times to explore how they will work together.

There will need to be an agreement with the New Castle Conservation District.

The City's public works yard is in good shape but there is room for improvement. The City is doing good job on street sweeping. Mapping requirements are being handled.

One area identified for improvement is the need for more record keeping. The amount of impervious surfaces needs to be reduced.

Cost sharing of development of the watershed plan will be determined by percent of impervious surface.

The Motion to approve Resolution No. 2014-30 was made by Councilperson Cochran and seconded by Councilperson Vannucci.

City Administrator Barthel read the resolution.

Resolution No. 2014-30 passed unanimously.

First Reading of Ordinance 494 to prohibit the climbing of ALL dikes, including Buttonwood, Broad Marsh, Gambacorta and Army Creek; and the establishment of a fine as part of that enforcement.

The Motion to approve Ordinance No. 494 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the ordinance.

Introduction of National Park Volunteer Guide Program by Russ Smith, Superintendent, First State National Monument.

Superintendent Smith stated that one problem for visitors to New Castle is the lack of a visitor center so they rely on local residents. To improve on the residents' ability to provide information and give recognition, a program has been developed by the National Monument. Volunteers are provided training and will wear badges "Ask Me" to encourage visitors to ask questions.

Motion, Discussion and Vote on Resolution No. 2014-32, for the placement request of Bayberry Farms as a vendor operating within the City limits.

Toby Hagerott, owner/operator of Bayberry Farms asked to continue to sell local fresh fruits and vegetables in town from his red truck.

The Motion to approve Resolution No. 2014-32 was made by Councilperson Cochran and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2014-32 passed unanimously.

Motion, Discussion and Vote on Resolution 2014-33, to dispose of City owned John Deere Garden Tractor.

The Motion to approve Resolution No. 2014-33 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Resolution No. 2014-33 passed unanimously.

First Reading of Ordinance 496; An Ordinance to amend Section 94-5 of the Code of the City of New Castle to modify the definition of "Wildlife" to include feral cats.

The Motion to approve Ordinance No. 496 was made by Councilperson Megginson and seconded by Councilperson Cochran.

This ordinance is recommended by the City Board of Health. Councilperson Megginson read the ordinance.

Ordinance No. 496 passed unanimously.

Discussion concerning replacement of one conclave mirror in the previous location, and recommendation of no truck delivery traffic on Dalby Alley without permission from the City in advance.

Council believes this issue needs to be addressed in a public hearing due to the elimination of truck traffic.

Comments from the floor.

Victor Bryson congratulated Council for hiring the new Police Chief. He believes Chief Tjaden got more done in 30 days than has been done in his whole life in New Castle.

Anthony Smiertka Jr. of A-1 Sanitation Service has been in the community for 42 years and employ up to 60 people. He recently invested in three properties on Grantham Lane and spent \$.5M on new property. He believes the new rules to stop truck traffic over two axels is killing small business. Their margins are small. The cost of fuel and employee hours are increased by trucks being forced to reroute.

Ron Terze believes the signs are illegal. He was ticketed and left it on Council's table.

Vincent Dillarnaco stated that he took a case to the Supreme Court in 1969 resulting in the cancellation of 143 tickets. He believes that any road that has federal money cannot have truck restrictions and the signs are not legislated. He will hire lawyers to stop enforcement. Washington Street and Route 9 are State Roads not city streets.

The motion to adjourn was made by Councilperson Cochran, seconded by Councilperson Vannucci and passed unanimously. Council adjourned at 8:57 pm.

Council met in Executive Session to discuss the FOP contract negotiations and personnel disciplinary action.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle